

CIVIL CASE NO. 1:09cv360

Defendants.

The Defendants now move to dismiss this action with prejudice for failure to prosecute. For grounds, the Defendants state that although the parties have executed a Global Settlement Agreement and Release and a

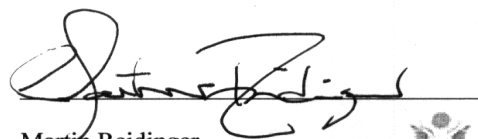
settlement check has been presented to the Plaintiff for payment, Plaintiff's counsel has failed to file a stipulation of dismissal or consent to the Defendants filing such a stipulation as ordered by the Court. [Doc. 32]. The Plaintiff has not filed any response to the Defendants' motion.

Based on the foregoing, the Court finds that this matter should be dismissed with prejudice for the Plaintiff's failure to comply with Federal Rule of Civil Procedure 41(b) and with the Court's August 31, 2010 Order.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendants' Motion to Dismiss [Doc. 32] is **GRANTED**, and this matter is hereby **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

Signed: September 28, 2010

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
United States District Judge

